

IN SENATE OF THE UNITED STATES.

MARCH 15, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

The Committee on the Judiciary, to whom was referred the memorial of Leslie Combs, of the State of Kentucky, report:

That a petition on the same subject, but different in its terms, was referred to this Committee at the last session of Congress; and, February 25, 1847, it made a report in the words following:

"That the allegations in the memorial present grave and important questions, some of which cannot properly be decided by Congress, especially as asked by the memorialist, and upon the premises assumed in the memorial, until the State of Texas is fully advised of the claim, and without action upon the subject by the authorities of that State. To this end, the executive of the United States should be requested to communicate to them a copy of the memorial and documents, &c. That Congress may also be fully and authentically advised of the facts and principles governing the case, it is proper and expedient that the papers be referred to the Attorney General and Secretary of the Treasury to obtain full information thereof, and report thereon at next session of Congress."

No additional evidence or information is submitted to the committee at this session, except a letter of Governor Henderson, of Texas, printed Mis. document No. 10, with the petition, December 20, 1847, and also a certificate of the Comptroller of Public Accounts of Texas, which is appended to this report, (this last is not printed.) The resolution reported by the committee, at last session, was not acted upon. The committee subjoin a copy of the petition presented at the last session, and recommend that it, with the Comptroller's letter, be printed with this report; and that the following resolution, being the same as that reported at last session, with an immaterial modification, be adopted:

Resolved by the Senate, That the secretary do transmit to the President a copy of the memorial and papers of Leslie Combs, praying the payment by the United States of certain securities issued by the late republic of Texas, with also a copy of this resolution, and the report made in said case, and that the President be requested to cause the same to be communicated to the proper au-

thorities of the State of Texas; and, also, that said memorial and papers be referred to the Attorney General and Secretary of the Treasury, who are directed to obtain full information as to said case, and report thereon to the Senate.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Leslie Combs, of the State of Kentucky,

RESPECTFULLY REPRESENTS:

That the late republic of Texas is justly indebted to him in the sum of sixty-nine thousand two hundred dollars, (69,200,) principal, with interest, at the rate of ten per centum per annum on the sum of \$59,000 from the first day of March, 1839, till paid, and with like interest on the sum of \$10,000, from the first day of April, 1841, till paid; all which will appear by reference to the books of the Treasury Department of said republic, as well as by the bonds now in the possession of your petitioner, which he is ready to exhibit to your honorable bodies when required so to do. He hereto annexes a copy of one of his bonds as a part of this petition, marked A.

He states that he made his investment in the public war debt of Texas, in the winter of 1838-'39, whilst on a visit to that republic, under the firm belief, based on the assurances of many distinguished citizens, some of them occupying high public stations, that their entire indebtedness was very inconsiderable compared with their resources, not exceeding, perhaps, half a million of dollars, and, that negotiations were then on foot, by which it was confidently expected the whole amount would be very soon discharged.

Your petitioner saw a regular government in peaceful and successful action in all its departments, and was informed that the debt, aforesaid, of which he thus became a large holder, was for the provisions, arms, clothing, services, and blood, expended in gaining the independence of Texas, in the battle field, as well as in since maintaining her integrity and national existence. For the payment thereof, the public faith was solemnly pledged by law, and so much of the revenue arising from imposts and direct taxation as might be necessary, was appropriated and set apart to pay the accruing interest.

He states that he is not a stock speculator, never having bought or sold one dollar since his investment aforesaid; on the contrary, all he has on earth is the product of his own labor, and he is unwilling to have his entire earnings for more than twenty years now taken from him, and his family driven from their home in distressful poverty. He refers to the annexed letter of the present governor of

Texas, to show that the whole amount above stated still stands to his credit on the books of the treasury.—See exhibit B.

As one of the consequences of the annexation of Texas, and her adoption into the Federal Union, the government of the United States has taken possession of her custom-houses, and thus deprived her of her most important and reliable source of annual income, the proceeds of which had been previously appropriated and "set apart" by law, and by express contract with your petitioner, for the payment of the interest on his bonds. He is, therefore, impelled, (with a full sense of what is right,) by every motive of self-preservation, to ask you to pay what is due him.

He cannot believe that such a demand will be deemed unreasonable by an American Congress.—See note 1.

All which is respectfully submitted.

LESLIE COMBS.

December 7, 1846.

Note 1.

Van Bynkershock, an authority to which all civilized nations refer as conclusive on the point, thinks the question as to the *rights* and *responsibilities* of the conquering power so well settled, that he does not even discuss it, but contents himself with the simple remark that, "Conquered countries pass, in the same manner as lands purchased, *cum onere*;" and afterwards explains the meaning of *cum onere* to be, that the conquerer can hold no higher right than the original possessor.

Vide Questionis juris publici.—Cap. XXV.. ii.

Much more forcibly does this law of common honesty apply, when one state is absorbed by another by contract. The purchaser, or feoffee, of an estate always takes it *cum onere*.

My bonds are deposited in the "Bank of Washington," for safe keeping, subject to order of J. J. Crittenden, or myself.

LESLIE COMBS.

Exhibit A.

CONSOLIDATED FUND OF TEXAS.

[No. 5223.]

(\$5,000.)

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837; redeemable at the convenience of the government at any time after the 1st day of September, 1842, and bearing

interest at the rate of ten per centum per annum, from the 1st day of March, 1839; payable on the 1st day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached.

For the payment and redemption of this stock, the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation, as may be necessary, is appropriated, and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney, or representative, on the books of the stock commissioner only.

In testimony whereof, the stock commissioner has hereunto set his hand, at the city of Houston, this 19th day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Acting Comptroller.

Exhibit B.

AUSTIN, Texas, May 18, 1846.

DEAR SIR: Your letter of the 1st of March came to hand several weeks since, but owing to the want of organization in the different departments under the State government, there was no person who could make the examination necessary; some days since, the comptroller having entered upon the duties of his office, and, having the stock commissioner's books in his care, I caused him to make the necessary examination. He did so, and reported that, upon the books there is \$69,200 stock funds in your name, none of which seems to be transferred. The only way in which such stock could be transferred, is upon the books in the office of the stock commissioner. I hope, therefore, that you will find that all is right, and your interests secure.

I have the honor to remain your obedient servant,

J. PINKNEY HENDERSON.

To LESLIE COMBS:

STATE OF TEXAS,

Comptroller's Office, Austin, January, 11, 1848.

I, the undersigned, Comptroller of Public Accounts, &c., for the State of Texas, do hereby certify, that James Love has transferred on the books of this office to Leslie Combs, on the 19th day of April, 1839, the sum of fifty thousand dollars of the stock of the consolidated fund of the late republic of Texas, and a further sum of ten thousand dollars of the stock of the same fund, on the 29th

day of January, 1842; and also, that the said Combs funded the sum of nine thousand two hundred dollars on the 18th day of April, 1839; making, in all, the sum of sixty-nine thousand two hundred dollars, which now stands on the books of this office to the credit of said Combs.

[L. s.] In testimony whereof, I hereunto set my hand and seal of office, the date above written.

JAMES B. SHAW,
Comptroller.

day of January, 1842; and also, that the said Comptroller found the sum of nine thousand two hundred dollars on the 18th day of April, 1839; making, in all, the sum of sixty-nine thousand two hundred dollars, which now stands on the books of this office to the credit of said Comptroller.

In testimony whereof, I hereunto set my hand and seal [L. S.] of office, the date above written.

JAMES B. SHAW,

Comptroller.

JACKSON SMITH,

State Commissioner.

JAMES B. SHAW,

Acting Comptroller.

RECEIVED

May 18, 1842

Dear Sir: Your letter of the 11th of March came to hand, and was duly acknowledged. In reply, I beg to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully, Sir, your obedient servant.

I am, Sir, very respectfully, Sir, your obedient servant.

J. PINNEY HENDERSON

To the Hon. Comptroller.

State of Texas,

Comptroller's Office, Austin, January 11, 1842.

Comptroller of Public Accounts, &c., for the State of Texas, I beg to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully, Sir, your obedient servant.

